

Exhibit 6

BURST.COM V. MICROSOFT

MICHAEL MOSKOWITZ

OCTOBER 10, 2003

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1 IN THE UNITED STATES DISTRICT COURT
2 DISTRICT OF MARYLAND
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5 IN RE MICROSOFT CORPORATION
6 ANTITRUST LITIGATION:

7 BURST.COM,

8 Plaintiff,

9 -vs-

Case No. MDL DOCKET NO. 1332
JFM 02-CV-2090

10 MICROSOFT CORPORATION,
11 Defendant.
12 /

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14 DEPOSITION OF MICHAEL MOSKOWITZ

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16 OCTOBER 10, 2003
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19 Reported by: LOUISE MARIE SOUSOURES, CSR NO. 3575
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BURST.COM V. MICROSOFT

MICHAEL MOSKOWITZ

OCTOBER 10, 2003

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|--|---|
| <p>1 sale, I believe, to a company in L.A. called Tonos.</p> <p>2 And beyond that, the only other sale that</p> <p>3 I'm aware of had to do really with a partnership that</p> <p>4 I wasn't part of, to Eagle Wireless, that was Burst</p> <p>5 software there, but I couldn't say.</p> <p>6 Q. Did the sales group generate lists of win,</p> <p>7 losses or other materials that would identify pending</p> <p>8 or consummated deals?</p> <p>9 A. I believe they did, yes.</p> <p>10 Q. Do you recall who in sales would generate</p> <p>11 those types of reports?</p> <p>12 A. It would have to be David Egan.</p> <p>13 Q. How did those come to your attention?</p> <p>14 A. Because I was part of the executive staff,</p> <p>15 so they would get discussed by the executive staff.</p> <p>16 I don't recall if it was regularly, if it</p> <p>17 was -- what have you, but it was certainly most</p> <p>18 likely that way.</p> <p>19 Q. Would you get those materials in hard copy</p> <p>20 or electronically?</p> <p>21 A. Probably both.</p> <p>22 Q. Do you recall what you did with the copies</p> <p>23 that you received of those materials?</p> <p>24 A. You mean as of today?</p> <p>25 Q. Yes.</p> | <p>1 A. No. That was the last one.</p> <p>2 Q. The reason I sat there and waited for you to</p> <p>3 talk is unfortunately for the court reporter, she</p> <p>4 needs a verbal response.</p> <p>5 A. I got you, okay.</p> <p>6 Q. While we do have a videographer, for the</p> <p>7 official record, we need a yes, no or narrated</p> <p>8 response.</p> <p>9 A. Okay.</p> <p>10 Q. Did you add any additional responsibilities</p> <p>11 between the time you became vice-president of product</p> <p>12 marketing and the time you left?</p> <p>13 A. Not that I recall.</p> <p>14 Q. Okay. Who are you currently employed by?</p> <p>15 A. A company called Digidesign, D I-G-I,</p> <p>16 Design, one word.</p> <p>17 Q. If you could just give me a summary of what</p> <p>18 companies in addition to Digidesign that you have</p> <p>19 been employed with since you left Burst.</p> <p>20 A. The only other company is a company called</p> <p>21 Globix, G-L-O-B-I-X.</p> <p>22 Q. What was Globix's business?</p> <p>23 A. Globix's business is manage services for --</p> <p>24 and Internet spaces, basically, data centers.</p> <p>25 Q. And your position with Globix was?</p> |
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| <p>1 A. Or in general?</p> <p>2 Q. In general.</p> <p>3 A. In general, I would see them and I would</p> <p>4 save them.</p> <p>5 Q. How would you save them?</p> <p>6 A. I would save them -- if they were an e-mail</p> <p>7 attachment, I would probably save them in the Dave</p> <p>8 Egan folder on Exchange.</p> <p>9 Q. So you had on your PC or on your network a</p> <p>10 folder for all of your communications concerning</p> <p>11 Mr. Egan?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall whether that was a network</p> <p>14 folder?</p> <p>15 A. It was a Microsoft Exchange network.</p> <p>16 Q. When you left the company, did you leave all</p> <p>17 your files behind?</p> <p>18 A. I seem to recall deleting them all at the</p> <p>19 time I left, the mail messages.</p> <p>20 Q. Any other files you deleted or destroyed on</p> <p>21 leaving Burst that you recall?</p> <p>22 A. No, that was --</p> <p>23 Q. Did you hold any other positions after</p> <p>24 becoming vice-president of product marketing in</p> <p>25 August of 2000?</p> | <p>1 A. V.P. and GM of streaming media group.</p> <p>2 Q. Is Globix still an existent company?</p> <p>3 A. Yes.</p> <p>4 Q. And Digidesign, what's its business?</p> <p>5 A. Digidesign's business is digital audio</p> <p>6 workstations.</p> <p>7 Q. And what is your position with Digidesign?</p> <p>8 A. Program manager.</p> <p>9 Q. Have you at any time in your career worked</p> <p>10 for Microsoft?</p> <p>11 A. No, I have not.</p> <p>12 Q. RealNetworks?</p> <p>13 A. No.</p> <p>14 Q. Any Internet service providers?</p> <p>15 A. Beyond Globix?</p> <p>16 Q. Globix qualifies as an ISP?</p> <p>17 A. Yes.</p> <p>18 Q. Other than Globix, any other ISPs?</p> <p>19 A. No.</p> <p>20 Q. How about any telecommunications companies?</p> <p>21 A. No.</p> <p>22 Q. Any broadband-oriented companies, such as a</p> <p>23 cable modem or DSL or satellite?</p> <p>24 A. Well, in the mid '80s, I worked for</p> <p>25 Raytheon.</p> |

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